

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

March 15, 2004

CALL TO PODIUM:

Mark DePoe

RESPONSIBLE STAFF:

Mark DePoe,
Long Range Planning Director

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
X	Resolution
X	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	12/17/2003
	12/24/2003
Hearing Date	2/17/2004
Record Held Open	3/15/2004
Policy Discussion	3/15/2004

TITLE: Policy Discussion and Resolution

Special Conditions Associated with Map Designations and Special Study Areas of the Master Plan Amendment MP-1-03: 2003 Land Use Plan, an Element of the City's Master Plan.

SUPPORTING BACKGROUND:

Gaithersburg, as an incorporated city, is subject to Article 66B—Land Use, of the Annotated Code of Maryland. Section 3.05, of Article 66B, requires that the City's Master Plan shall be reviewed and if necessary revised or amended at least once every six years. The 2003 Land Use Plan Element is a revision and amendment to the City's 1997 Master Plan and was adopted by the Mayor and City Council on December 15, 2003.

As stated in the 2003 Land Use Plan Element, special conditions require a separate public hearing. The 2003 Land Use Plan Element which includes, fifty-seven separate map designations, five special study areas, and supporting information is recommending special conditions for five map designations (11, 14, 20, 26, and 57) and the Muddy Branch and Casey-Metropolitan Grove special study areas. The special conditions described in the adopted 2003 Land Use Element have been formulated utilizing a series of stakeholders meetings, Mayor and City Council and Planning Commission joint work sessions, and staff's professional judgment and knowledge of the City. Citizen participation has been an integral part of the preparation of the special conditions.

The Mayor & Council and Planning Commission held their Joint Public Hearing on February 17, 2004. One letter has been received by this office since the public hearing and has been provided as a Policy Discussion attachment. [See Exhibit 17] The Planning Commission record was closed as of March 3, 2004 and at their March 4, 2004 meeting reviewed the proposed Special Conditions and has forwarded their recommendation of approval to the Mayor and City Council. The Mayor and City Council record was closed as of March 15, 2004. Per the discussions from the public hearing and the Planning Commission recommendation of approval, staff has drafted and attached a resolution which adopts the proposed Master Plan amendment MP-2-03 for the Mayor and City Council to review.

Attached:
Index of Memorandum
Exhibit 11 – Exhibit 18

DESIRED OUTCOME:

Hold Policy Discussion and Review and Approve Resolution Adopting Special Conditions.

INDEX OF MEMORANDA

MP-2-03

Special Conditions Associated with Map Designations and Special Study Areas of the Master Plan Amendment MP-1-03: 2003 Land Use Plan, an Element of the City's Master Plan.

No.

- 1) Joint Public Hearing Advertisement
- 2) Resolution PCR-2-03
- 3) Resolution R-103-03
- 4) Ordinance O-1-04
- 5) Map Designation with Special Conditions
- 6) Special Study Areas with Special Conditions
- 7) Letter from Robert Fireovid to Mayor and City Council dated February 11, 2004
- 8) Draft Planning Commission Resolution Approving MP-2-03
- 9) Notice of Joint Public Hearing for City Website
- 10) Cover Sheet for February 17, 2004 Mayor and City Council and Planning Commission Joint Public Hearing
- 11) Cover Sheet for March 3, 2004 Planning Commission Recommendation Meeting
- 12) Staff Comments for March 3, 2004 Planning Commission Recommendation Meeting
- 13) Cover Sheet for March 15, 2004 Mayor and City Council Policy Discussion and Resolution Meeting
- 14) MP-2-03 Joint Public Hearing Transcript
- 15) Communication: Planning Commission dated March 4, 2004
- 16) Planning Commission Resolution PCR-2-03

- 17) Letter from Rev. Mark Brennan, Pastor St. Martin of Tours Catholic Church, to Mayor and City Council and Planning Commission dated March 4, 2004
- 18) Draft Resolution Adopting Master Plan Amendment

STAFF COMMENTS FOR PLANNING COMMISSION

MEETING DATE: March 3, 2004

APPLICATION: **Master Plan Amendment**

TITLE: **MP-2-03**

REQUEST: Recommendation to the Mayor and City Council on the Special Conditions Associated with Map Designations and Special Study Areas of the Master Plan Amendment MP-1-03: 2003 Land Use Plan, an Element of the City's Master Plan.

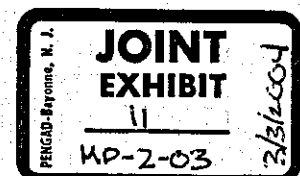
APPLICANT: City of Gaithersburg Planning Commission

STAFF PERSON: Mark DePoe, Long-Range Planning Director

Enclosures:

Staff Comments

Exhibit #8: Draft Resolution Approving MP-2-03



STAFF COMMENTS

LAND USE PLAN (MP-1-03) BACKGROUND:

The Mayor and City Council, Planning Commission, City Staff and the citizens of Gaithersburg began the process of updating the Master plan by creating a vision for the community during several public work sessions in 2002. A host of nine Themes were created during this process and adopted by the Mayor and City Council on October 7, 2002 and were the catalyst to establishing a new vision and approach to crafting a Master Plan.

The Master Plan is made up of a number of specific Elements and a decision was made to review and update each Element individually. The first element to be reviewed is the 2003 Land Use Element. The 2003 Land Use Plan Element Master Plan Amendment is recommending, revising and amending the City's current Master Plan. The land use plan includes fifty-seven separate map designations, five special study areas, and supporting information. The land use proposals described in the draft 2003 Land Use Element have been formulated utilizing a series of stakeholders meetings, Mayor and City Council and Planning Commission joint work sessions, and staff's professional judgment and knowledge of the City. The supporting information includes the Master Plan process and City overview. Citizen participation has been an integral part of the preparation of the Master Plan.

The draft Land Use Plan was made available to the public and distributed to the Mayor and City Council and Planning Commission on May 8, 2003. The Mayor and City Council and Planning Commission held a joint public hearing on July 21, 2003. During the joint public hearing, staff presented an outline of the draft Land Use Element, Master Plan process and City overview and public testimony was accepted by the Mayor and City Council and Planning Commission. Following the public testimony, the Planning Commission voted to hold their record open for 43 days (September 2, 2003); the Mayor and City Council voted to hold their record open for 51 days (September 10, 2003).

The Planning Commission on September 3, 2003 recommended approval of the Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview by resolution PCR-2-03. The Mayor and City Council on December 15, 2003 adopted the Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview by resolution R-103-03.

SPECIAL CONDITONS (MP-2-03) BACKGROUND

Gaithersburg, as an incorporated city, is subject to Article 66B-Land Use, of the Annotated Code of Maryland. Section 3.05, of Article 66B, requires that the City's Master Plan shall be reviewed and if necessary revised or amended at least once every six years. The 2003 Land Use Plan Element is a revision and amendment to the City's 1997 Master Plan and was adopted by the Mayor and City Council on December 15, 2003.

As stated in the 2003 Land Use Plan Element, special conditions require a separate public hearing. The 2003 Land Use Plan Element which includes, fifty-seven separate map designations, five special study areas, and supporting information is recommending special conditions for five map designations (11, 14, 20, 26, and 57) and the Muddy Branch and Casey-Metropolitan Grove special study areas.

The special conditions described in the adopted 2003 Land Use Element have been formulated utilizing a series of stakeholders meetings, Mayor and City Council and Planning Commission

joint work sessions, and staff's professional judgment and knowledge of the City. Citizen participation has been an integral part of the preparation of the special conditions.

The Mayor and City Council and Planning Commission held a joint work session on MP-2-03 on February 17, 2003. The following items were made available for the Mayor and City Council and Planning Commission during the February 17, 2003 meeting as attachments: Exhibit 1: Joint Public Hearing Advertisement; Exhibit 2: Resolution PCR-2-03; Exhibit 3: Resolution R-103-03; Exhibit 4: Ordinance O-1-04; Exhibit 5: Map Designation with Special Conditions; Exhibit 6: Special Study Areas with Special Conditions; and Exhibit 7: Letter from Robert Fireovid dated February 11, 2004. One person had a concern regarding the live/work units recommended for Map Designation 11. Approximately four people spoke in favor of and were pleased with Special Study Area 7. There was no other testimony given on any of the remaining map designations or special study area special conditions.

Planning Commission recommendation is scheduled for March 3, 2004. The Mayor and Council policy discussion and potential adoption are scheduled for March 15, 2004.

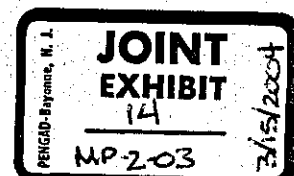
TRANSCRIPT OF
JOINT PUBLIC HEARING
ON

MP-2-03
Special Conditions Associated with Map Designations
and Special Study Areas of the Master Plan Amendment
MP-1-03: 2003 Land Use Plan, an Element of the
City's Master Plan

BEFORE THE
CITY OF GAITHERSBURG
MAYOR AND CITY COUNCIL
AND
PLANNING COMMISSION
ON

February 17, 2004

Transcribed by
Doris R. Stokes



PARTICIPANTS

CITY COUNCIL

Mayor Katz
Council Vice President Somerset
Council Member Alster
Council Member Marraffa
Council Member Schilchting

Absent: Council Member Edens

PLANNING COMMISSION

Chair Keller
Vice Chair Bauer
Commissioner Hicks
Commissioner Levy
Commissioner Winborne

CITY MANAGER

David B. Humpton

CITY ATTORNEY

Cathy G. Borten

STAFF

Long Range Planning Director Depoe

SPEAKERS FROM THE PUBLIC

John Rody, 105 South Summit Avenue
Wanda Harich, 28 East Darby Court
Robert Fireovid, 31 Goodport Court
Linda Gore, 60 Oakshade Road
Daniel Reeder, 11520 Game Preserve Road

Katz The item on our agenda is a joint public hearing. Mark if you could please begin.

Depoe Thank you. Once again this is a joint public hearing on MP-2-03. This hearing has been duly advertised in the *Gaithersburg Gazette* on December 17 and 24 of 2003. At this time there are seven exhibits in the record file. These exhibits are referenced in an exhibit list in the file. The individual exhibits may be reviewed during the course of the meeting or in the Planning Office during regular business hours at City Hall. Any objections to the receipt of any exhibits should be noted prior to the closing of the record; otherwise they will be deemed received into evidence. As stated in the 2003 Land Use Plan Element, special conditions require a separate public hearing. The 2003 Land Use Element which includes 57 separate map designations, five special study areas, and supporting information is recommending special conditions for five map designations (11, 14, 20, 26, and 57) and the Muddy Branch and Casey-Metropolitan Grove special study areas. The special conditions described in the adopted 2003 Land Use Element have been formulated utilizing a series of stakeholders meetings, Mayor and City Council and Planning Commission joint work sessions, and staff's professional judgment and knowledge of the City. Citizen participation has been an integral part of the preparation of the special conditions. I would also like to state that a letter was submitted by Mr. Fireovid, I hope I pronounced that correctly, regarding environmental issues of special study areas seven and Casey-Metropolitan Grove sites. That is not relevant to the special conditions we are talking about tonight, but it was provided as an exhibit of this application and we would be carrying that over when we look at the environmental sensitive areas of the Master Plan. And that concludes my report.

Katz Very good. Any questions from the Commission or the Council? No. Thank you very much. We are now going to begin the public hearing

process of this. Do we have anyone in the audience who would like to come forward to speak on this public hearing topic? We ask that you please keep your remarks to no more than three minutes and then we will advise you when you have 30 seconds left so that you can begin to finish your statement. Please state your name and address for the record. Do we have anyone who would like to come before us this evening? Please.

Rody Good evening. My name is John Rody. I live at 105 South Summit Avenue and I address you this evening as a citizen and parishioner of St. Martins. I do not represent the church; I noticed that the Pastor Father Brennan is with us this evening. I would like to invite your attention map designation number eleven. As Father Brennan would probably tell you, it doesn't seem that this is really necessary. That any action necessary in either Option A or Option B. I don't believe the parish has any immediate plans over the next five or six years to do anything with that property other than to keep it as the open and uncluttered streetscape that you now enjoy. And in addition, I would merrily note that the proposal calls for a live-work use should it be redeveloped. And I would suggest to you perhaps that that is imprudent to adopt that. It might be too restrictive. You may find that although the live-work units enjoy a certain amount of popularity today, much changes over the course of time. And in the five or six years, that is the shelf life of this Master Plan, you may find that the live-work units like Mr. Duany's quaint traffic circles, no longer enjoy such popularity.

Katz Thank you very much. Do we have anyone else? Please.

Harich I'm Wanda Harich from 28 East Darby Court in Bennington in Gaithersburg, Maryland. And I'd like to say to the Mayor and City Council and also, I was going to say Planning Commission, I wasn't sure if you were going to be here, but here you are. As president of the Board of the Bennington Community Association, I'm here tonight to thank you for your

hard work on the Master Plan. Especially the Casey-Tract and the Metropolitan Grove study, because I know most of you know that that's very close to Bennington. We are, I'm particularly and my community is particularly pleased with the maintenance yard for CCT not to be sited on the tracks from Bennington. I was really pleased to hear that that had been taken off. We want to thank you also that you have worked with the school issues that we have been concerned about. You acted to protect our local school Brown Station from overcrowding and also myself and the community we're grateful for your approach for the traffic congestion that you have taken on the Master Plan. And especially to the regards for our neighborhood. It is good to know that the future development will not lead to the worsening of traffic jams in our area. And finally, we are happy to know that the beautiful green forest that's close to Bennington there, the residents, we love to view it and we love to have homes and birds and wildlife nearby. And we like that buffer between us and 270. So we are very pleased with all your hard work and your thoughtfulness to Bennington. Thank you very much.

Katz Thank you Wanda. Is there anyone else in the audience? Please?

Fireovid Hi, I'm Robert Fireovid, 31 Goodport Court. I want to again thank the Commission members and Council Members and the Gaithersburg City staff for all the work that they have done, especially regarding special study area number seven, the Casey-Metropolitan Grove Tract and would like to clarify that it is Fireovid, but that was pretty close, that was good. And I do want to just mention a short epilogue or addendum to my letter that I have forgotten about and that was that this Fall, I recalled that my son and a friend, when they were playing outside, noticed two bald eagles flying overhead. I've never seen a bald eagle in Gaithersburg. But, there are bald eagles that come there in our area sometimes. I can't tell you how excited those boys were. It was quite a thrill and I hope it happens again. Thank you.

Katz Thank you. Anyone else in the audience? Please.

Gore I'm Linda Gore from 60 Oakshade Road in the Bennington development and I just want to say that when I look at what has happened in all the discussion, the hard work, the careful thought that you all have put in, particularly with Casey-Tract Metropolitan Grove. You have participated in something that is pretty rare in civic life at the moment and that is in this situation, I really think reason has triumphed over greed. And that allows my neighbors and I to look forward to the development of this tract with pleasure instead of dread. Thank you very much.

Katz Thank you. Anyone else? Please.

Reeder Daniel Reeder, 11520 Game Preserve Road. I would also like to thank the Mayor and City Council and Planning Commission and staff for working over, at least over the last year or longer on the entire Master Planning process, special conditions and so forth. I thank the entire City. Pretty much all the residents and nearby residents are very proud of your work and the entire process and are proud of the results that we have from it. I had one comment to make on the special study area seven. It's very minor and whether you take it out or not, it's fine with me. But on special study area, page 12 on the special study area number seven. In the third paragraph, line two, it describes the northern part of the property. It goes on to say, this is the portion of the study area that is almost entirely made up of vacate land waiting to be developed. And if just strike the last four words so that, waiting to be developed. I think that you would agree that it is somewhat an inappropriate statement and if you just put the period after vacant land, it would be perfect.

Katz Ok. Thank you.

Reeder Also, I did read Robert Fireovid's letter on the wildlife inventory and the inventory that was taken by Rodgers, and well, I will send in a separate email to staff. A complete inventory whether they change that or not, it really doesn't matter at this point, but it really is inaccurate somewhat. Thank you very much. Appreciate it.

Katz Thank you Dan. Anyone else in the audience? I don't see no other hands, is that correct? Ok. What is the pleasure of the Planning Commission?

Keller They would like for us to leave our record open for 15 days. Do I have a motion?

Bauer So moved.

Hicks Second.

Keller All in favor?

Commission Ayes (5-0)

Keller Motion passes 5-0.

Katz And it has been suggested that the Mayor and Council leave their record open for 27 days, which would bring, the Planning Commission's record would close on March 3rd. It is being suggested that the Mayor and Council's record close on March 15th. What is the pleasure of the Council?

Somerset Move to keep the record open on MP-2-03 for 27 days, record to be closed 5 p.m., March 15, 2004.

Alster Second.

Katz It's been moved and seconded. All those in favor please say aye?

Council Ayes (4-0)

Katz Opposed? Carries unanimously. Thank you very much.

END OF JOINT PUBLIC HEARING

MP-2-03

Special Conditions Associated with
Map Designations and Special Study Areas
of the Master Plan Amendment MP-1-03:
Land Use Plan, an Element of the City's Master Plan

COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA: David Humpton, City Manager

FROM: Mark DePoe, Long-Range Planning Director

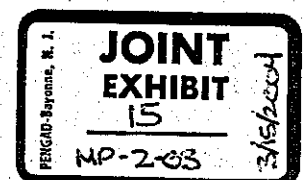
DATE: March 4, 2004

SUBJECT: MP-2-03 -- Special Conditions Associated with Map Designations and Special Study Areas of Master Plan Amendment MP-1-03: 2003 Land Use Plan, an Element of the City's Master Plan..

At its regular meeting on March 3, 2004, the Planning Commission made the following motion:

Commissioner Bauer moved, seconded by Commissioner Winborne, to APPROVE Resolution PCR-1-04 recommending ADOPTION of MP-2-03 to the City Council.

Vote: 5-0



RESOLUTION NO. PCR-1-04

RESOLUTION OF THE PLANNING COMMISSION
APPROVING SPECIAL CONDITIONS ASSOCIATED
WITH MAP DESIGNATIONS AND SPECIAL STUDY AREAS
OF THE MASTER PLAN AMENDMENT MP-1-03

MP-2-03

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommend same to the local legislative body for adoption, to serve as guide to public and private actions and decisions to ensure the logical development of public and private property in appropriate relationships; and

WHEREAS, a land use element of the City's General Plan is required by the State of Maryland Economic Growth, Resource Protection, and Planning Act of 1992 and Section 3.05 of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the City has revised its approach for preparing its land use element from the review and update of planning neighborhoods to the city-wide review and update of special study areas and planning map designations through a comprehensive theme-based approach.

WHEREAS, the Gaithersburg Planning Commission has embarked on City-wide land use amendments as part of the revisions to the 1997 City Master Plan; and

WHEREAS, such City-wide land use plan amendments are for the purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the entire City and which will, in accordance with present and future needs, best promote the health, safety, order, convenience, property and general welfare, as well as efficiency and economy in the process of development; and

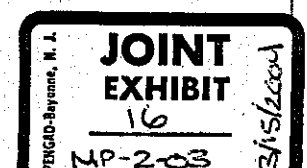
WHEREAS, the Planning Commission on September 3, 2003 recommended approval of the Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview by resolution PCR-2-03; and

WHEREAS, the Mayor and City Council on December 15, 2003 adopted the Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview by resolution R-103-03. The aforementioned plan (MP-1-03) was the subject of a joint Planning Commission and Mayor and City Council public hearing on July 21, 2003; and

WHEREAS, the adopted Land Use Plan, outlines specific land use recommendations on a City-wide basis that includes five (5) special study areas and fifty-seven (57) map designations with supporting information that incorporates the master plan process and city overview; and

WHEREAS, the adopted Land Use Plan is recommending special conditions for five map designations (11, 14, 20, 26, and 57) and the Muddy Branch and Casey-Metropolitan Grove special study areas.

WHEREAS, a zoning text amendment (T-228) was adopted by the Mayor and City Council on December 3, 1984, granting powers whereby special conditions for development and



use of property can be addressed as part of the land use element of the Master Plan and are binding at time of the site development review by the Planning Commission (Ordinance No. O-23-84); and

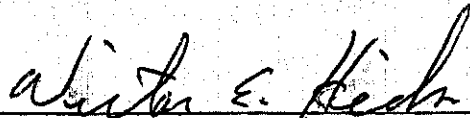
WHEREAS, a zoning text amendment (T-360) was adopted by the Mayor and City Council on January 5, 2004, granting powers whereby special conditions or requirements for development and use thereof, or special conditions and requirements as to availability of public facilities can be addressed as part of the land use element of the Master Plan and are binding at time of the site development review by the Planning Commission (Ordinance No. O-1-04); and

WHEREAS, a thorough review and study of testimony, correspondence and other documentation on the recommended special conditions was completed through a series of stakeholders meetings and public work sessions, a joint public hearing, and a Planning Commission discussion on March 3, 2004; and

WHEREAS, the application of special conditions, the comprehensive rezoning, and the site plan review process are all tools whereby the development type and staging (i.e. numbers of residential units and square footage of development space principally in relation to road and school capacity) adopted as a guide in the draft Land Use Plan may be further refined and revised by the Mayor and City Council and/or the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the City of Gaithersburg Planning Commission that the special conditions of the adopted Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview, are hereby approved.

WE DO HEREBY CERTIFY that the above resolution was adopted by the City of Gaithersburg Planning Commission by the following vote of 5-0, on March 3, 2004:

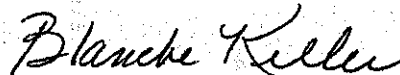


Commissioner Victor E. Hicks

Commissioner Leonard Levy



Commissioner Danny Winborne

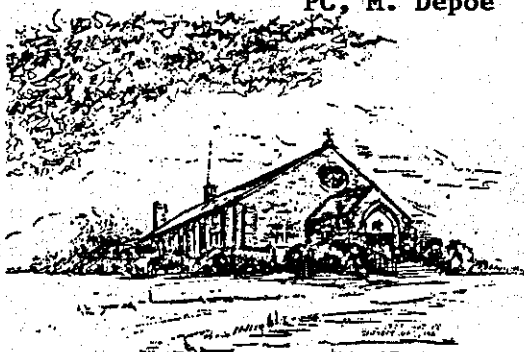


Blanche Keller, Chair
Gaithersburg Planning Commission



John Bauer, Vice Chair
Gaithersburg Planning Commission

Distribution: M&CC
PC, M. Depoe



St. Martin of Tours Catholic Church

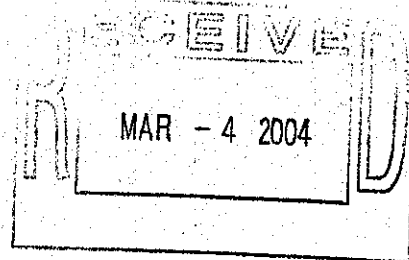
201 S. Frederick Ave.

Gaithersburg, MD 20877

IN RE: MP-2-03

March 4, 2004

The Honorable Sidney Katz, Mayor,
City Council and Planning Commission
City of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland



Dear public servants,

Thank you for the opportunity to offer some comments on your extensive efforts on behalf of the Gaithersburg community. I am a relatively new resident of Gaithersburg, serving in my first year as pastor of St. Martin of Tours Church.

Let me confine my comments to Map Designation 11, which proposes to change the zoning for parish property – a vacant field – at the northwestern corner of South Frederick Avenue and Desellum Street. Having considered the proposed changes, I think they are unnecessary and perhaps even imprudent. We have no current plans to alter the use of this property over the next five to ten years. We intend to use it for parish picnics, Christmas tree sales and the like, as in the past.

Should we ever desire to change the use, we would, as currently required, contact the City of Gaithersburg and discuss our plans with City staff. The guidelines already in place appear to be sufficient to protect the residential neighborhood without additional buffering. The two proposed options seem to address hypothetical situations that are unlikely to occur.

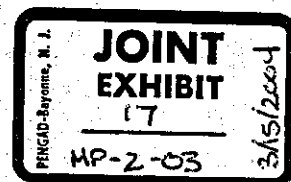
I thank you for your attention to this matter. If further information or comment is desired, kindly contact me at your convenience.

Asking the God of all peoples to bless you in your public service, I am

Sincerely and respectfully,

Rev. Mark E. Brennan

Rev. Mark E. Brennan, Pastor



RESOLUTION NO. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL
ADOPTING MP-2-03: SPECIAL CONDITIONS ASSOCIATED
WITH MAP DESIGNATIONS AND SPECIAL STUDY AREAS
OF THE MASTER PLAN AMENDMENT MP-1-03

AS APPROVED AND RECOMMENDED BY
THE PLANNING COMMISSION ON MARCH 3, 2004

AS ADOPTED BY THE MAYOR AND CITY COUNCIL ON MARCH 15, 2004

WHEREAS, Section 3.05 of Article 66B of the Annotated Code of Maryland sets forth the function and duty of the Planning Commission to make and approve a general plan or amendments thereto and recommends the same to the local legislative body for adoption, to serve as guide to public and private actions and decisions to insure the logical development of public and private property in appropriate relationships; and

WHEREAS, Section 3.08 of Article 66B of the Annotated Code of Maryland states that the local legislative body shall adopt the plan and or amendment thereto, and

WHEREAS, a land use element of the City's General Plan is required by the State of Maryland Economic Growth, Resource Protection, and Planning Act of 1992 and Section 3.05 of Article 66B of the Annotated Code of Maryland; and

WHEREAS, the Planning Commission on September 3, 2003 recommended approval of the Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview by resolution PCR-2-03; and

WHEREAS, the Mayor and City Council on December 15, 2003 adopted the Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview by resolution R-103-03. The aforementioned plan (MP-1-03) was the subject of a joint Planning Commission and Mayor and City Council public hearing on July 21, 2003; and

WHEREAS, the adopted Land Use Plan, outlines specific land use recommendations on a City-wide basis that includes five (5) special study areas and fifty-seven (57) map designations with supporting information that incorporates the master plan process and city overview; and

WHEREAS, the adopted Land Use Plan is recommending special conditions for five map designations (11, 14, 20, 26, and 57) and the Muddy Branch and Casey-Metropolitan Grove special study areas.

WHEREAS, a zoning text amendment (T-360) was adopted by the Mayor and City Council on January 5, 2004, granting powers whereby special conditions or requirements for development and use thereof, or special conditions and requirements as to availability of public facilities can be addressed as part of the land use element of the Master Plan and are



binding at time of the site development review by the Planning Commission (Ordinance No. O-1-04); and

WHEREAS, the Planning Commission held a joint public hearing with the Mayor and City Council on February 17, 2004 on the proposed special conditions of the adopted Master Plan Land Use element and process and city overview, and after careful survey and study of present conditions and anticipated future growth to the City and the adjacent area, the Planning Commission approved Resolution No. PCR-1-04 on March 3, 2004, being the approval of special conditions of the adopted Amendment to General Plan application MP-1-03 Master Plan Land Use Plan and Process and City Overview, and transmitted an attested copy of the same as its recommendation to the Mayor and City Council which is hereby attached and incorporated as part of this resolution; and

WHEREAS, the application of special conditions, the comprehensive rezoning, and the site plan review process are all tools whereby the development type and staging (i.e. numbers of residential units and square footage of development space principally in relation to road and school capacity) adopted as a guide in the draft Land Use Plan may be further refined and revised by the Mayor and City Council and/or the Planning Commission.

WHEREAS, the General Plan and amendments made from time to time, provide a general framework for assisting the Mayor and City Council and City Planning Commission in making land use policy and facilities decisions:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council that the special conditions of the adopted Amendment to General Plan application MP-2-03 Master Plan Land Use Plan and Process and City Overview, thoroughly reviewed by the legislative body during the joint public hearing conducted on February 17, 2004, approved by the City Planning Commission on March 3, 2004, and recommended to the legislative body (as PCR-1-04) is hereby adopted by the Mayor and City Council.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that all other recommendations of the City Planning Commission, pursuant to the adoption of PCR-1-04 and all subsequent Resolutions by the City Council, are hereby approved and ratified to the extent not inconsistent with this Resolution.

ADOPTED by the City Council this 15th day of March, 2004.

Sidney A. Katz, Mayor and
President of the Council

THIS IS TO CERTIFY that the foregoing
Resolution was adopted by the City Council
on the 15th day of March, 2004.

David B. Humpton, City Manager